

and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged in that the statement "Citratated Effervescing Solution of Magnesia", not corrected by the inconspicuous statement "Not U. S. P.", borne on the label, was false and misleading, since the article was not citrated effervescing solution of magnesia. Misbranding was alleged for the further reason that the article was prepared in imitation of another article, and was offered for sale and sold under the name of another article, namely, "Citratated Effervescing Solution of Magnesia." Misbranding was alleged for the further reason that the article was sold by a name recognized in the United States Pharmacopoeia, and its label failed to bear a plain and conspicuous statement that it differed from the standard laid down in the pharmacopoeia.

Misbranding of the hydrogen peroxide was alleged for the reason that certain statements regarding its therapeutic and curative effects, borne on the bottle labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for catarrh and hay fever; effective to assist in the prevention of contagion from diphtheria, scarlet fever, and many other germ diseases; effective to counteract the poison from mosquito bites, blackfly bites, bee stings, poison-oak or poison-ivy, and effective as a treatment for boils and abscesses.

On April 15, 1935, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$5.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24641. Misbranding of ichthyol ointment and mentholated ointment. U. S. v. William D. Koster. Plea of guilty. Fine, \$50 on each count. Payment suspended on all counts but first. (F. & D. no. 32920. Sample nos. 51559-A, 51560-A.)**

This case was based on interstate shipments of ointments which were labeled to convey the impression that they were preparations recognized in the United States Pharmacopoeia or the National Formulary, whereas they are not described in either authority. The labeling of both products also bore unwarranted curative and therapeutic claims.

On May 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William D. Koster, New York, N. Y., alleging shipment by said defendant under the name of the Petrolene Laboratories, on or about November 21, 1933, from the State of New York into the State of Pennsylvania of quantities of ichthyol ointment and mentholated ointment which were misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Petrolene Laboratories, New York, N. Y."

Analyses showed that the ichthyol ointment contained sulphonated bitumen with a petrolatum base, and that the mentholated ointment consisted of amber petrolatum and menthol.

The articles were alleged to be misbranded in that the statement, "We guarantee each ointment to be strictly U. S. P. or N. F. and will assume responsibility on this item", borne on the carton label, was false and misleading, since the said statement represented that the articles were recognized in the United States Pharmacopoeia or the National Formulary; whereas they were not recognized in either authority. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the articles, appearing on the tube labels and cartons, falsely and fraudulently represented that the ichthyol ointment was effective as a remedy for eczema, acne, itch, boils, carbuncles, and kindred skin infections; and that the mentholated ointment was very effective for nerves.

On July 12, 1935, the defendant entered a plea of guilty and the court imposed a sentence of \$50 fine on each of the four counts of the information. Payment of fines on all counts but the first was suspended.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24642. Misbranding of White's Herb Tonic. U. S. v. John W. White (Dr. J. W. White). Plea of guilty. Fine, \$50. (F. & D. no. 33760. Sample no. 61685-A.)**

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On December 19, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the